

Permit Class
EMERGENCY

Permit Number
104-11

STATE OF NORTH CAROLINA
Department of Environment and Natural Resources
and
Coastal Resources Commission

Permit

for

☒ Major Development in an Area of Environmental Concern
pursuant to NCGS 113A-118

☒ Excavation and/or filling pursuant to NCGS 113-229

Issued to N.C. Department of Transportation, 113 Airport Drive, Suite 100, Edenton, NC 27932

Authorizing development in Dare County at NC 12, six miles south of Oregon Inlet, Pea Island NWR, as requested in the permittee's application dated 9/2/11 including attached

workplan drawings (13), all dated received 9/2/11, and AEC Hazard Notice dated 9/2/11.

This permit, issued on September 2, 2011, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

Emergency Response

- 1) Unless specifically altered herein, this permit authorizes filling, roadway reconstruction, a 200-foot long temporary work bridge, a 650-foot long temporary bridge, retaining walls, and slope-stabilization sandbags, all as depicted on the attached workplan drawings. Any other development activities may require additional authorization.
- 2) Nothing in this permit authorizes any activity that has not received approval from the U.S. Fish and Wildlife Service (USFWS) for work within the Pea Island National Wildlife Refuge. Should additional authorization from the USFWS be required for any portion of the authorized project, the permittee shall obtain this authorization prior to initiating that portion of the project.

(See attached sheet for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

April 30, 2015

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.



James H. Gregson, Director
Division of Coastal Management

This permit and its conditions are hereby accepted.

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) All fill material, including that used to fill the slope-stabilization sandbags, shall be clean and free of any pollutants, except in trace quantities.
- 4) 15A NCAC 07H .0308(a)(1)(B) prohibits permanent erosion control structures within the Ocean Hazard Area of Environmental Concern (AEC). Therefore, in order to ensure compliance with this rule, the design of all retaining walls within the AEC shall be the absolute minimum necessary to retain the roadway fill material. The retaining walls shall not serve as or be designed to serve as permanent erosion control structures.
- 5) The slope-stabilization sandbags and retaining walls shall be removed in their entirety once they are no longer necessary, due to implementation of more permanent transportation solutions in the project area.
- 6) Any waste materials or debris generated in the demolition and removal of the existing roadway, including exposed, damaged or remnant pavement, shall be disposed of at an approved upland site or shall be recycled in an environmentally appropriate manner provided appropriate authorizations from any relevant state, federal, or local authorities are obtained.

General

- 7) No vegetated wetland or open water areas shall be filled outside of the area(s) indicated on the attached workplan drawings.
- 8) The permittee shall obtain any necessary authorizations or approvals from the U.S. Army Corps of Engineers prior to initiation of the permitted activity.
- 9) Nothing in this State Permit should be construed as overriding or superceding any U.S. Army Corps of Engineers permit requirement or condition.
- 10) This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required, including any approvals that may be required for the use of the proposed borrow area(s).

NOTE:

The permittee is advised that the Coastal Area Management Act and the rules of the Coastal Resources Commission prohibit the use of permanent erosion control structures within the Ocean Hazard Area of Environmental Concern.